

substantive right—the substantive right of individuals, of persons, not to be discriminated against or excluded from participation in or denied the benefits of any program or activity receiving Federal assistance—means exactly what it says. It does not provide a method of enforcement, by itself; but I suggest that it is complete; and that anything not limited, for example, to the type of Federal assistance specified in section 602, in the first several lines, to any financial assistance whatever—

Mr. HUMPHREY. Other than—

Mr. CASE. No; I say that the words "Federal financial assistance," the last words of section 601, mean just what they say, and are not words which limit the same kind of words in sections 602 and 603.

Mr. STENNIS. Referring to the latter part of line 3, and to line 4, on page 26, where we find an exception stated, as follows:

Other than a contract of insurance or guaranty—

Do those words place a limitation on section 601; or do they not?

Mr. CASE. I would say they do not. I would say that when we talk about section 602, we talk about procedure for the enforcement of substantive rights; and in regard to section 602 itself and the procedure therein established, the only kinds of programs we are talking about are those of financial assistance "by way of grant, loan, or contract other than a contract of insurance or guaranty."

Mr. HUMPHREY. What other kinds of financial assistance could there be?

Mr. CASE. There could be others. I do not wish to quibble about this; but I wish to make clear that the words and provisions of section 601 and the substantive rights established and stated in that section are not limited by the limiting words of section 602. Section 602 says that when a department or agency of the Government—and I think the Senator was correct, earlier, when he made this careful distinction—in dealing with the kinds of programs which are referred to in section 602, attempts to prevent the discrimination, or what-not, the department must follow this procedure. I agree. My only point is that I do not want my embracement of this bill to be construed as indicating that I believe that the substantive rights of an individual, as they may exist under the Constitution, or as they may be stated in section 601, are limited in any degree whatsoever.

Mr. STENNIS. Let me repeat the question to that extent: So the Senator from New Jersey does not think the words "other than a contract of insurance or guaranty" take such contracts out of the operation of section 601?

Mr. CASE. For whatever purpose section 601 may be operative; but I do not now suggest that I know of any, except some time there may be a possibility that an individual would bring suit, or something of the sort.

Mr. STENNIS. That would be where the contracts of insurance do not have to follow the ritual provided in section 602.

Mr. CASE. Well, section 602 states what a Federal officer must do; and that is what we are talking about.

Mr. STENNIS. And he will not have to do anything if it is a contract of insurance or guaranty?

Mr. CASE. Yes; and by this section he is directed not to.

Mr. STENNIS. Yes.

Mr. CASE. But I am saying that so far as the substantive rights of individuals, as stated in section 601, are concerned, they are stated as absolute, without limitation.

Mr. STENNIS. So let us be certain that the Record reflects what the Senator intends: I understand that his argument is that the words "other than a contract of insurance or guaranty" are therefore taken out of section 602 by that language, but still are left in section 601, and that no ritual has to be followed to enforce them.

Mr. CASE. Will the Senator repeat his question? I wish to be sure about it.

Mr. STENNIS. Yes, for I think this is a very material matter.

Mr. CASE. So do I.

Mr. STENNIS. Lines 3 and 4 on page 26 except "other than a contract of insurance or guaranty." The department will not have to proceed in this way; it will not have to have the President pass on it and make a report to Congress. As I read that, they are excepted—perhaps by amendment.

Mr. HUMPHREY. They were.

Mr. STENNIS. But I wish to know whether, by excepting them from section 602, does that provision also exclude them from section 601? Apparently that was intended; but certainly it is not clear.

Mr. CASE. I shall yield to the Senator from Minnesota, to permit him to express his opinion; but, first, I wish to state expressly that I thought it was not intended by anyone to have that exception apply to the terms of section 601. It certainly would not be my own interpretation, and I hope the courts would so find.

Mr. HUMPHREY. I respectfully disagree with the Senator from New Jersey. If I have understood him to answer the query of the Senator from Mississippi [Mr. STENNIS] that the excepted activities outlined in section 602 must apply a more precipitous procedure than those outlined in section 602 and 603. It is my opinion that these excepted activities are not covered by title VI and thus the mandates of title VI about the promulgation of rules and so forth would not apply but it is my understanding that these agencies or activities excepted could still be similarly regulated by the existing power of the Executive. However, this bill does not statutorily solidify the national policy with respect to those agencies. I think this is a point which should be developed in the course of the debate and I am sure that it will.

Mr. CASE. I think so, too.

Mr. HUMPHREY. This should be determined definitely, because section 603 outlines the procedure for effectuating the enforcement policy stated in section 602. The provision is as follows:

Sec. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract—

Those are the only three ways in which Federal financial assistance can be extended:

other than a contract of insurance or guaranty shall take action to effectuate the provisions of section 601 with respect to such program or activity.

In other words, the Federal agency shall not be empowered to take action on questions that relate to contracts of insurance or guarantees. For example, that means that the Federal Deposit Insurance Corporation need not apply by the force of this bill section 601.

Mr. STENNIS. We shall pursue the question further. That very practice is now being carried out through coercion by prospective builders, contractors, and everyone else who deals with the Federal Government. I have had personal experience, not as a contractor, but through constituents.

Mr. CASE. Mr. President, before I leave the point tonight, I wish to say that I thoroughly agree with the Senator from Minnesota and the Senator from Mississippi that the question should be given careful scrutiny by all of us. We should have no misunderstanding, before we get through, what we are talking about, and what the effect of the language is.

For myself, I would not be satisfied if this language in 602 is intended to limit existing rights of individuals under the Constitution, or to limit the rights expressed in section 601 in any substantive sense. I believe that section 602 is intended to do what it really does. Federal departments or agencies with authority of disburse loans, grants, or to make contracts, in order to eliminate discrimination in programs in which those contracts, loans, or grants are involved, must proceed in a fashion stated. With that I agree. That is the intent. However, it is not intended to limit the rights of individuals, if they have any way of enforcing their rights apart from the provisions of the bill, by way of suit or any other procedure. The provision of the bill is not intended to cut down any rights that exist.

Mr. HUMPHREY. I thoroughly agree with the Senator insofar as an individual is concerned. As a citizen of the United States, he has his full constitutional rights. He has his right to go to court and institute suit and whatever may be provided in the law and in the Constitution. There would be no limitation on the individual. The limitation would be on the qualification of Federal agencies.

Mr. CASE. I agree fully.

Mr. HUMPHREY. Now I understand the Senator's point.

Mr. CASE. I believe the Senator from Minnesota has already agreed, but I think we should make it clear, so that we understand each other, that the rights of the President of the United States are not cut down, either.

Mr. HUMPHREY. Not at all.

Mr. CASE. It is only when the Federal agencies covered by title VI act, they must act under the prescribed procedure.

Mr. HUMPHREY. The Federal agencies covered under title VI have a procedure set up for the manner in which they can take action. That procedure is outlined in sections 602 and 603.

Mr. CASE. And the authority of the Chief Executive would not be limited.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. KEATING. I wish to associate myself with the very careful analysis made by the Senator from New Jersey and say that I agree with him thoroughly. If the bill does not mean what he has indicated it means, it ought to be made to mean so. I think the limitation of powers as set forth in title VI is too extensive. Under section 603 a State, or political subdivision of a State, or an agency of either, which is denied funds because discrimination is taking place, is given the right of action in court. But there is no correlative right in the citizen. If funds are granted to discriminatory projects by public officials, the citizen who is denied the benefits of the project has no correlative right to bring a suit in court, and he should have.

Rather than being objectionable because it is too restrictive, section 603 is objectionable to the Senator from New York because it does not provide sufficient protection for individual citizens. It seems to me that if we are going to give court protection to the municipality or the State involved, the citizen should also have the same right to have court review of his actions. I wish to get that statement in the RECORD at this point because I feel very strongly about it.

Mr. CASE. I think I share the Senator's view. That was not the point that I was attempting to make at the moment. I was only attempting to state my interpretation of the bill as I understand it.

CONCEALMENT BY PRESS OF SPEECHES BY SENATOR GRUENING ON VIETNAM

Mr. MORSE. Mr. President, I wish to take a few minutes to express my great disappointment that, once again, the American press, by and large, has performed another "Act of Pravda" upon the American people by concealing from them the news of two major speeches made on the floor of the Senate this week by the able and distinguished Senator from Alaska (Mr. GRUENING), one of the keen Senate scholars on the subject of foreign policy.

Senator GRUENING made two major speeches in opposition to our Government's South Vietnam policy, speeches in which he set forth cogent reasons as to why we should get out of South Vietnam. Yet it is interesting to observe that the New York Times, the Washington

Post, the Washington Star, and, for that matter, many other newspapers, have blacked out any news to the American people concerning the viewpoint of this very responsible Member of the Senate. When the people of a sovereign State elect a person to the Senate to represent them and the State, one would think that even though the editors disagree with the Senator, they would recognize the importance of our foreign and domestic policy with respect to South Vietnam, and that at least an alleged free press would practice that great constitutional right and guarantee by telling the American people the viewpoint expressed in his two major speeches by a man such as Senator GRUENING.

I have checked into the situation, and I find that correspondents in the press galleries submitted their stories. AP and UPI correspondents sent in their stories, and they were fair analyses of the speeches made by the Senator from Alaska. I can speak about this now, because I am not involved. Whenever I have spoken on this subject, the charge has been made that the Senator from Oregon was involved. I am not involved in these two speeches. But as one Senator, I protest the concealment on the part of the press of news of two major speeches delivered in the Senate, setting forth a keen analysis of the situation. Manuscripts were sent to the press gallery a considerable time ahead of the delivery of the speeches, and early enough in the day so that no editor could say they were received after the deadline.

I will tell Senators what my conclusion is. Some editorial forces in this country do not want to give the American people the facts about the shocking American program in South Vietnam. But I say to those editors that that will not silence those of us who intend to take this issue to the American people from coast to coast in the days ahead.

I am on my way to Oklahoma. I intend to discuss this question for the next 3 days in the Midwest. I intend to discuss the issue from coast to coast, because the senior Senator from Oregon will not support the murder of American boys in South Vietnam.

I serve notice on the Secretary of Defense that I consider him to be completely presumptuous in telling the world what the United States will do in regard to South Vietnam. First, he had better have his program authorized by Congress.

I shall join with other Senators in calling upon the Committee on Foreign Relations and the Committee on Armed Services—I am a member of the Committee on Foreign Relations—to proceed, if necessary, with joint hearings on the part of those two committees to ascertain the facts and to present to the American people the facts in regard to the shocking foreign policy of this Democratic administration vis-a-vis South

Vietnam, because that area is not within the perimeter of American defense.

If we would get out of there, the South Vietnamese would accommodate themselves quickly to an adjustment of their differences. The situation there involves split families. An overwhelming majority of Vietcong, so-called Communists, in South Vietnam are really South Vietnamese. Families are split. That includes uncles and nephews on opposite sides. In some instances, sons and fathers are on opposite sides. A state of civil war exists there. In my judgment, people are fighting who would not be fighting at all except for the fact that we are "egging them on."

The United States is in South Vietnam on the legal basis, and only on the legal basis, of the SEATO treaty, of which we are a signatory. But we are the only member of SEATO that is in South Vietnam, because all the so-called allies—Australia, Britain, France, Thailand, and Pakistan—are on the sidelines, letting us pick up, as the Secretary of State testified the other day before the Foreign Relations Committee, 97 percent of the cost of the whole operation. It is American blood, not the blood of boys from Pakistan, Thailand, Australia, Britain, or France, that is being sacrificed in South Vietnam.

The time has come for my administration to recognize that Vietnam has become the basic domestic issue in the field of foreign policy. I should like to be on the team; but as to this phase of foreign policy, I have left this administration completely because, in my judgment, we ought to get out. At least, we ought to work for a neutralization of this program and force other countries to assume their fair share of responsibility for what ought to be done in South Vietnam.

The United States cannot go into all the trouble spots in the world and settle them. We had better stay within the perimeter of American defense, for we know that if war should break out between the United States and Russia, we would not permit a single American boy to remain in South Vietnam. That is the test as to whether or not Vietnam is within the realm of our defense. Vietnam is Asiatic territory. The Western nations will not be able to dominate the South Vietnamese, just as France learned she could not dominate French Indochina. The French people said to the French Government: "You must stop killing the flower of French manhood in French Indochina." The French people overthrew the French Government because that Government was not able to stop the killing. That lesson had better be taken to heart in the United States.

I call this to the attention of the editors of this country. It is not pleasant to their ears, because many of them are going down the line, waving the American flag to tatters—which is no way in

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which to pay respect to the flag—trying to rationalize and justify the sending of more and more aid into South Vietnam.

The Foreign Relations Committee has a duty to reexamine the program of aid to South Vietnam. Mine will be one vote to cut it off, if sending aid also means sending American boys. I am perfectly willing to listen to the South Vietnamese

Government in regard to furnishing military aid for its use, but not for the use of American boys in South Vietnam.

RECESS

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate at this time, I move,

pursuant to the order previously entered, that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 15 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Saturday, March 14, 1964, at 12 o'clock meridian.